

DISTRICT OF NH  
**IN THE UNITED STATES DISTRICT COURT**  
**FOR THE DISTRICT OF NEW HAMPSHIRE**

2020 MAY 29 A 11:47

Sensa Verogna, Plaintiff,

v.

Twitter Inc., Defendant.

Case #: **1:20-cv-00536-SM**

**PLAINTIFF'S MOTION TO DECLARE TWITTER A PUBLIC  
ACCOMODATION UNDER LAW AND BRIEF AND MEMORANDUM IN SUPPORT**

1. Plaintiff, pro se and proceeding anonymously as, "Sensa", respectfully moves this Court to declare Twitter, Inc., "Twitter", a "Public Accommodation" as defined by 42 U.S.C. § 2000a(b) & N.H. Rev Stat § 155:39-a, and, if so, whether its operations "affect commerce" within the meaning of 42 U.S.C. § 2000a(c), and within the timeframe of the Plaintiffs COMPLAINT. Sensa submits the following brief and memorandum of law in support of his motion for relief pursuant to 28 U.S.C. §§ 2201 and Rule 57 of the Federal Rules of Civil Procedure.

2. Venue is proper as stated in the COMPLAINT at Paragraphs 8, 9 and 10. Sensa re-alleges and incorporates by reference each paragraph, tweet, article, exhibit or attachments included in this document and in the record to date, as though set forth fully herein.

3. Twitter hosts many events open to the public such as public speaking, workshops, musicals, award shows at its many facilities located throughout the United States. At many of these events, Twitter supplies food and beverages for its guests and even houses an on-site bakery and sandwich shop at its San Francisco facility within the meaning of 42 U.S.C. § 2000a(b) & N.H. Rev Stat § 155:39-a, and open to the public. (See COMPLAINT Exhibit P, hereinafter stated as "Exh.", P-5 and P-6).

27           4.       For the reasons stated herein, and in the supporting brief and memorandum of law,  
28 this Court should declare that Twitter, Inc. is a Public Accommodation under the law, OR  
29 minimally, that it was, within the time frame of Sensa's Complaint.

30                               Respectfully submitted,

31                               /s/ Anonymously as Sensa Verogna

32                               SensaVerogna@gmail.com

33                               **CERTIFICATE OF SERVICE**

34 I hereby certify that on this 29th day of May 2020, I have contracted the foregoing Motion, to be  
35 served in hand, directly to the agent of record for Twitter Inc., The Corporation Trust Company  
36 Corporation, Trust Center, 1209 Orange Street, Wilmington, DE 19801

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW HAMPSHIRE**

Sensa Verogna, Plaintiff,  
v.  
Twitter Inc., Defendant.

Case #: **1:20-cv-00536-SM**

**BRIEF IN SUPPORT OF PLAINTIFF'S MOTION TO DECLARE TWITTER  
A PUBLIC ACCOMODATION UNDER LAW**

1. The Declaratory Judgment Act, 28 U.S.C. § 2201, is an enabling Act which confers a discretion on the courts. (See Public Service Comm'n v. Wycoff Co., Inc., 344 U.S. 237 (1952)).

2. Sensa seeks a declaratory judgement and direction from the Court before taking any future action as such direction will afford Sensa relief from uncertainty or insecurity and not risk taking future undirected actions. (See Amer. Household Products, Inc. v. Evans Manufacturing, Inc., 139 F.Supp.2d 1235, 1239 (N.D. Al. 2001); Cox v. Athens Reg. Med. Cent., 279 Ga. App. 586, 594, 631 S.E.2d 792, 799 (2006); (see also Baker v. City of Marietta, 271 Ga. 210, 214, 518 S.E.2d 879, 884 (1999)).

3. A declaratory judgement is an equitable tool used by courts to define the legal rights and obligations of parties. In a declaratory judgement action, there may be questions of law and fact for the trial court to decide. (See New England Tel. & Tel. Co. v. CONVERSENT COMM. (D.R.I. 2001)).

4. The question of whether a facility is a "place of public accommodation" within the meaning of § 2000a is a question of law. (See United States v. Richberg, 398 F.2d 523, 526 (5th Cir. 1968)).

31 5. Twitter is a place of public accommodation within the meaning of 42 U.S.C. §2000a(b)  
32 and (c), (2), (3) and (4) and NH Rev Stat § 155:39-a, as its operation of cafeteria's, lunchrooms,  
33 lunch counters, soda fountains, motion picture houses, theaters, concert halls or other places of  
34 exhibition or entertainment within its many facilities or establishments affect commerce as a  
35 substantial portion of the food which it serves or other products which it sells, has moved in  
36 commerce within the meaning of 42 U.S.C. § 2000a(b) 2 and (c)2 and NH Rev Stat § 155:39-a, II.  
37 Additionally, Twitter customarily presents performances, exhibitions or other sources of  
38 entertainment which move in commerce through its live feed of events inside it's many facilities  
39 throughout the US within the meaning of 42 U.S.C. § 2000a(b)(3), (c)(3) and NH Rev Stat §  
40 155:39-a III and additionally under 42 U.S.C. § 2000a(b) 4 and (c)(4), as any establishment that  
41 contains a covered establishment, and which holds itself out as serving patrons of that covered  
42 establishment." (See Bishop v. Henry Modell & Co., No. 08 Civ. 7541(NRB), 2009 WL 3762119,  
43 at \*12 (S.D.N.Y. Nov. 10, 2009) (citing 42 U.S.C. § 2000a(b)).

44 6. Inside the Twitter San Francisco Headquarters facility Twitters hosts many public  
45 events within the meaning of 42 U.S.C. §2000a(b) and NH Rev Stat § 155:39-a, such as; the 10th  
46 Annual Inspiration Awards show on November 12, 2019 open to the public and is clearly  
47 entertainment. (See Exh. P-1. Event 11/12/19) Limited Seating and sponsorships inviting the  
48 public to an event. (See Exh. P-2. Event 10-13-2019); Chelsea Clinton, who lives in New York,  
49 stopping by for a talk show on stage. (See Exh. P-3. Event 02/19/19); A musical performance by  
50 Emily Koch, a Broadway actress and Jim Hogan, an actor, singer and musician, who both live in  
51 New York. (See Exh. P-4. Event 11/01/18); An In-House cafeteria style bakery named  
52 Bonappetweet, (Exh. P-5. Tweet 05/18/18); Bon Appetit Management Co., is on site @Twitter  
53 Headquarters. (See Exh. P-6. 12/26/19); A performance on stage by @BwayColorPurple, a

musical based out of New York, (See Exh.P-7. Event 05/10/18); A visit from students from Tokyo. (See Exh. P-8. Event 10/04/16); An event in the Auditorium for International Stem Woman, (See Exh. P-9. Event 10/14/16); A full cafeteria named the @birdfeeder, which serves a substantial portion of food and beverages which have moved in commerce. (See Exh. P-10. 12/26/19).

7. Inside the Twitter Washington facilities Twitter hosts many public events within the meaning of 42 U.S.C. § 2000a(b) and NH Rev Stat § 155:39-a such as: a breakfast lecture, which served a substantial portion of food and beverages which have moved in commerce (See Exh. P-11. Event 10/30/19); @Rise2030 packaging meals, which ingredients have moved in commerce (See Exh. P-12. Event 11/14/19); 10,584 meals assembled and packaged, which ingredients and boxing materials have moved in commerce (See Exh. P-13. Event 11/14/19); hosting a talk show with Madeleine Albright, who lives in Purcellville, VA and Colin Crowell, who lives in Chevy Chase Maryland. (See Exh. P-14. Event 11/12/19); A live conversation with Tulsi Gabbard, who lives in Hawaii. (See Exh. P-15. Event 06/25/18); A coffee man from Kegvending.com who is servicing the cold brew dispensers. (See Exh. P-16. Tagged 12/26/19); Kegvending.com is a specialty coffee company out of Arlington, Va, specializing in kegged beverage programs and nitro cold brew and other beverages, who undeniably travel interstate and provide goods interstate. (See Exh. P-17. Tagged 12/26/19); An event with @CiscoLive and members of the public, (See Exh. P-18. Event 06/11/19); A networking happy hour with members of the public, enjoying "Cocktails & Conversations", to which the alcohol has moved in interstate commerce (See Exh. P-19. Event 10/11/19).



**Anne Steinhardt** @anne\_steinhardt · Jun 11, 2019

#InclusionIsHappening 🧑🏻🧑🏻 at #CLUS during the **Cocktails & Conversations** event!

75           8. Inside the Twitter New York facilities Twitter moves many products through commerce  
76 within the meaning of 42 U.S.C. § 2000a, and NH Rev Stat § 155:39-a, through the many events  
77 it provides to the general public such as: Any Twitter employee can grab their beverage of choice  
78 for \$2.50 at the bar, to which the alcohol has moved in interstate commerce. (See Exh. P-20. Article  
79 05/14/17); coffee and beer on tap are available, has moved in interstate commerce. (See Exh. P-  
80 21. Article 05/14/17); patrons can listen to classic records at a nook in the bar, with records more  
81 than likely produces and manufactured out of the State of New York. (See Exh. P-22. Article  
82 05/14/17); Inside the Twitter Atlanta facilities- Amazing artwork greets visitors every day, (See  
83 Exh. P-23. Tweet 06/05/19); a live event with Rep. John Lewis, who resides in the state of Georgia  
84 (See Exh. P-24. Event 02/28/18); hosting volunteers with food and drinks, which served food and  
85 drinks that have moved in interstate commerce. (See Exh. P-25. Event 10/23/16); Hosting an event  
86 for woman from the public, (See Exh.P-26. Event 11/13/15); hosting an event for local clients,  
87 (See Exh. P-27. Event 10/08/15); hosting breakfast for public volunteers, with food and drinks,  
88 which served food and drinks that have moved in interstate commerce. (See Exh. P-28. Event  
89 10/05/15); Inside the Twitter Los Angeles facilities- Entertainers from Tokyo stop in for a visit,  
90 (See Exh.P-29. Event 05/10/19); hosting a teen vogue summit open to public, (See Exh. P-30.  
91 Event 05/10/19); hosting UCLA students to discuss digital marketing, (See Exh. P-31. Event  
92 05/10/19); a visit from Hanna Brown, an entertainer from Alabama. (See Exh. P-32. Event  
93 05/10/19); hosting a public lecture and speaking event.

94           9. Additionally, with regard to Title III of the ADA, "Places of public  
95 accommodation" need not be physical structures, and discrimination may occur when the goods  
96 or services of a "place of public accommodation" are enjoyed by customers who never visit a  
97 physical location, focusing on the goods and/or service they provide. (See Carparts Distribution

Center, Inc., v. Automotive Wholesaler's Ass'n of New England, Inc., 37 F.3d 12, 14 (1st Cir.1994) ("Carparts II").

10. 28 C.F.R. § 36.104 defines a public accommodation as "a facility, operated by a private entity, whose operations affect commerce." That regulation then defines a "facility" as:

"all or any portion of buildings, structures, sites, complexes, equipment, rolling stock or other conveyances, roads, walks, passageways, parking lots, or other real or personal property, including the site where the building, property, structure, or equipment is located."

11. Relevant here, legislative intent supports a broader view of the interpretation of a public accommodation under Title II as Congress would have included stricter definitions, had it wanted such, and case law in this District demonstrates and supports a broader view of Title II, as it has a broader view, even under the stricter guidelines provided for under Title III.

12. Twitters purchases of food and beverages may be trivial by itself is not enough to remove the company from the scope of federal regulation where, as here, their contribution, taken together with that of many others similarly situated, is far from trivial." (See *Wickard v. Filburn*, 317 U.S. 111 at 127-128 (1942)), which if left unchecked may well become far-reaching in its harm to commerce." (See *Polish Alliance v. Labor Board*, 322 U.S. 643, 648 (1944)).

13. There can be no serious doubt that a "substantial portion of the food" served at Twitters facilities throughout the United States has moved in interstate commerce. (See *Katzenbach v. McClung*, 379 U.S. 294, 296-297 (1964); *Gregory v. Meyer*, 376 F.2d 509, 511, n. 1 (C. A. 5th Cir. 1967)).

14. Additionally, Twitter's "sources of entertainment . . . move in commerce." Twitter purchases numerous mechanical devices such as screen, computers, etc. to produce its "live" feeds of "performances" or "entertainment" which travel through interstate commerce. Many of Twitters performers must travel interstate to perform at the Twitter facilities. Twitter's vinyl records were

most likely manufactured outside the State of New York. (See Exh. P-22). All these are considered by Congress to be "sources of entertainment" within the meaning of 42 U.S.C. §2000a (3) and NH Rev Stat § 155:39-a. See Daniel v. Paul, 1438, 23 L. Ed. 2d 318, 89 S. Ct. 1697, 395 U.S. 298. (1969)

15. At minimum, the stubborn fact that the Twitter facility in San Francisco contains and houses a covered establishment within its facility, Bon Appetit Management Co., which holds itself out as serving the public and patrons of that covered establishment would, in fact, bring it within the reach and definition of 42 U.S.C. § 2000a(b) 4 and (c)(4).

16. For the reasons stated in this herein and in Plaintiff's Motion, this Court should declare that Twitter, Inc. is a Public Accommodation effecting commerce under both Federal and New Hampshire laws, OR minimally, that it was, within the time frame of Sensa's Complaint.

17. 42 U.S.C. § 2000a-6(b) provides cases such as this to be expedited in every way.

Respectfully submitted,

/s/ Anonymously as Sensa Verogna

SensaVerogna@gmail.com

#### **CERTIFICATE OF SERVICE**

I hereby certify that on this 29th day of May 2020, I have contracted the foregoing Brief, to be served in hand, directly to the agent of record for Twitter Inc., The Corporation Trust Company Corporation, Trust Center, 1209 Orange Street, Wilmington, DE 19801



**MEMORANDUM OF LAW IN SUPPORT OF PLAINTIFF'S MOTION TO DECLARE  
TWITTER A PUBLIC ACCOMODATION UNDER LAW**

**Case #: 1:20-cv-00536-SM**

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**DECLARATION IN SUPPORT OF PLAINTIFF'S MOTION TO DECLARE TWITTER  
A PUBLIC ACCOMODATION UNDER LAW**

**Case #: 1:20-cv-00536-SM**

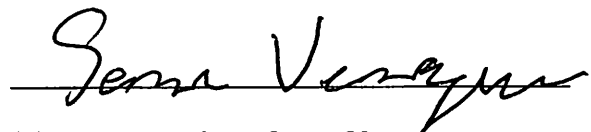
Plaintiff, proceeding anonymously as Sensa Verogna, provides as follows:

I, Sensa Verogna, hereby declare as follows:

1. I am a New Hampshire resident over eighteen and have personal knowledge of facts below. If called upon to testify, I could and would testify competently as to the matters contained herein.

2. The resident States of all the performers described in the PLAINTIFF'S MOTION TO DECLARE TWITTER A PUBLIC ACCOMODATION UNDER LAW AND BRIEF AND MEMORANDUM IN SUPPORT, were obtained by public records conducting google searches and the relevant sites of these performers.

I declare under penalty of perjury that the foregoing is true and correct. Signed this 29<sup>th</sup> day of May 2020 in the State of New Hampshire.



/s/ Anonymously as Sensa Verogna

SensaVerogna@gmail.com

**CERTIFICATE OF SERVICE**

I hereby certify that on this 29th day of May 2020, I have contracted the foregoing Declaration, to be served in hand, directly to the agent of record for Twitter Inc., The Corporation Trust Company Corporation, Trust Center, 1209 Orange Street, Wilmington, DE 19801